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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,161

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Ross Bradsen

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EXAMINER

SWENSON, BRIAN L

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,161	BRADSEN ET AL.	
	Examiner	Art Unit	
	Brian Swenson	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species I (Figures 1-5) in the reply filed on 12 April 2005 was acknowledged.

2. Claims 5 withdrawn from consideration as not directed to the elected Species I. Specifically:

a. Line 4 and 5 of Claim 5 states, "...an integral, stationary locking post on said mounting bracket". A locking post on the mounting bracket isn't found in the elected species; as best understood this limitation is shown as element 38 in Species II of Figure 6.

Claim Objections

3. Claims 3 and 6 are objected to because of the following informalities:

- The limitation "a integral, stationary locking post" should be changed to –
an integral, stationary locking post – for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112 first paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3-4, 6-7, 9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably

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convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no teaching in the originally filed specification for, "means of **non-releasably** securing said structure to said bracket."

5. Claims 1, 3-4, 6-7, 9 and 11, as currently amended, rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant's elected Species I (Figures 1-5) on 12 April 2005. Pages 4-7, paragraphs [0022-0029], of the originally filed specification provide enable for Species I. The examiner was unable to find antecedent or functional support for the amended limitation "of **non-releasably** securing said structure to said bracket." It is also unclear from the drawings how the running board is non-releasably secured to the bracket. Figure 2, shows tab 32 and post 30. As disclosed in [0027] tab is recited as being "deflectable". So it is unclear how the running board and bracket become "non-releasabl[e]" relative to one another. The securing structure is enabled in paragraph [0029]. Once the running board is in the "fully inserted position, the chamfered post 30 and deflective tab 32 are received through corresponding apertures 31 and 33 respectively, snapping into position and securing the running board 14 to the mounting bracket 12." From inspection of the drawings, it appears that the running board is releasably secured to the mounting bracket by "unsnapping" the corresponding

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structures. This could be accomplished by deflecting tab (32 with a tool, such as a pry bar) and respectfully removing the bracket from the running board's apertures. An example of a non-releasably securing a running board structure to a bracket would be by welding. For the reasons shown above the amended limitation has not been considered. Additionally, it appears that if were enable it would not read on the elected species.

Claim Rejections - 35 USC § 112 second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said receiving zone of said running board" in the last two lines of the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 4, 7 and 9-11, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,520,523 issued to Beck.

Beck teaches in Figures 1-9 and respective portions of the specification of a vehicle accessory mounting assembly including: a running board structure (100), the structure comprising a generally planar upper surface (Figure 5), a plurality of reinforcing ribs (see either element 135 Figure 9 or element 131 Figures 5 and 6) on a bottom side thereof, and at least one mounting bracket receiving slot (see slot formed by catch (131); a mounting bracket (120), the bracket being partially received in the receiving slot (Figure 6), the mounting bracket attaching to a vehicle (see at least Col. 3, lines 43-46); a means of securing the structure to the bracket, the means comprising at least one deflectable tab (129) on the mounting bracket received by a corresponding aperture in the running board when the mounting bracket is received in the receiving slot of the running board (Figure 6).

In regards to claim 4, as best understood, deflectable tab (129) is received in an aperture of running board (see channel located near element 131).

In regards to claim 7, the mounting bracket (120) is the sole attachment means for attaching the running board to the vehicle.

In regards to claim 9, Beck teaches of the method for attaching the running board to the vehicle in Figures 5 and 6 and Col. 4, lines 1-45.

In regards to claim 10, Beck teaches of a vehicle accessory mounting assembly including: a vehicle (Figure 1); an accessory running board (100), the accessory comprising at least one mounting bracket receiving slot (see slot formed by catch

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(131)); a mounting bracket (120), the bracket being partially received in the slot (Figure 6), having an accessory attachment means (elements 128,129) communicating with the accessory for securing the bracket to the accessory (Figure 5 and 6), and a bracket mounting means communicating with the vehicle for securing the bracket to the vehicle (element 18 mounts to vehicle); the accessory attachment means integrated into the mounting bracket to securingly communicate with a corresponding accessory attachment means receiving element, integrated into the accessory, the accessory attachment means embodying the sole means of securing the accessory structure to the mounting bracket; the bracket mounting means integrated into the mounting bracket to securingly communicate with a corresponding bracket mounting means receiving element integrated into vehicle, the mounting means embodying the sole means of securing the mounting bracket to the vehicle.

In regards to claim 11 Beck, teaches of a vehicle accessory mounting assembly comprising: a vehicle accessory (100) with a mounting bracket receiving zone (see where element 131 is located; Figures 5 and 6); a mounting bracket with an accessory mounting zone (120) and a vehicle mounting zone (118); a means of securing the accessory to the mounting bracket (see Figure 5 and 6), the means comprising of deflectable protrusions (129) integral with either the accessory or mounting bracket that locate into corresponding apertures in either the accessory or mounting bracket; a means of securing the mounting bracket to a vehicle (see at least Col. 3, lines 43-46), the means comprising of deflectable protrusions integral with the mounting bracket or

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with integral fastening apertures (119; Figure 4) that securely locate the bracket to the vehicle either with or without discrete fasteners.

Allowable Subject Matter

8. Claims 3 and 6 would be allowable if rewritten to overcome the claim objection(s) and rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The primary reason for the indication of allowable subject matter in this case is the inclusion of: an integral, stationary locking post fixed on a bracket and a deflectable tab on the bracket; the bracket for receiving a running board, where the running board structure contains a receiving slot for receiving the bracket, in combination with the other elements recited, not found in the prior art of record.

Response to Arguments

9. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

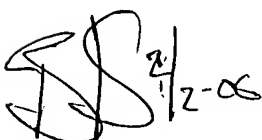
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


bls

Brian Swenson
Examiner
Art Unit 3618

